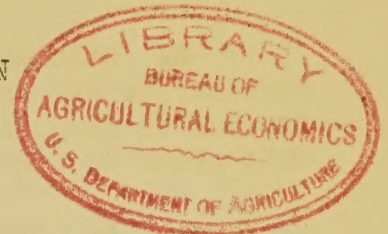


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JUL 30 1938UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
Western Region1938 RANGE CONSERVATION PROGRAM BULLETIN
FOR

MEAGHER COUNTY, MONTANA



This bulletin supersedes for Meagher County all portions of WR-1938-Montana relating to range.

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1938, payments will be made for participation in the 1938 Meagher County, Montana, Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other revisions as may hereafter be made.

The provisions of this program, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide and the rates of payments specified herein are subject to an increase or decrease of not more than 10 percent, depending upon the extent of participation in the Meagher County program and the final estimate of payments which would be made in Meagher County under the 1938 Range Conservation Program.

The provisions of the 1938 Meagher County, Montana, Range Conservation Program contained in this bulletin are not applicable (1) to counties other than Meagher County, Montana, (2) to public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and (3) other lands in which the beneficial ownership is in the United States.

The provisions of this bulletin are to be renewed each year through 1940 except in case the Agricultural Adjustment Administration finds that (1) the Range Conservation Program has been modified in such manner as to adopt the essential provisions of the Meagher County, Montana, Program or is otherwise modified in such manner as to indicate the continuation of this program is unnecessary or undesirable, or (2) the resulting performance under this program has proven it is not administratively feasible, and that it is not contributing to the improvement of the Range Conservation Program or for other reasons indicates its continuation is undesirable, or (3) modifications of the Soil Conservation and Domestic Allotment Act, as

amended, and the Agricultural Adjustment Act of 1938 are such as to prohibit its continuation, or are such as to indicate its continuation is not administratively advisable.

SECTION I. RATES OF RANGE-BUILDING PAYMENTS

A. Natural Reseeding by Limited Grazing. Subject to the conditions hereinafter set forth, payments will be made for the performance of limited grazing on range land, if approved by the county committee for the ranching unit prior to its institution, during the year 1938 as follows:

1. Ranches designated as not overgrazed.

- a. 40% of the range-building allowance, computed under Section II, subsection A, if no goal is established for the ranching unit by the county committee or if a goal is established by the county committee for the ranching unit and the operator fails to fully comply with the provisions thereof.
- b. 60% of the range-building allowance, computed under Section II, subsection A, if a goal is established for the ranching unit by the county committee and if the operator fully complies with the provisions thereof.

2. Ranches designated as overgrazed.

- a. 60% of the range-building allowance, computed under Section II, subsection A, if no goal is established for the ranching unit by the county committee or if a goal is established by the county committee for the ranching unit and the operator fails to fully comply with the provisions thereof.
- b. 75% of the range-building allowance, computed under Section II, subsection A, if a goal is established for the ranching unit by the county committee and if the operator fully complies with the provisions thereof.

3. For the purposes of this Section I A, the county committee shall determine the ranching units in the county which are overgrazed and those not overgrazed. In making such determination with respect to a ranching unit, the county committee shall give consideration to the following: varieties, palatability, and density of forage growth; climatic fluctuations; distribution and character of watering facilities; topographic and cultural features, presence or absence of rodents and poisonous plant infestations; the number and classes of livestock currently grazed upon such ranching unit, and other similar factors.

4. The provisions of this Section I A, subsections 2 and 3, shall be applicable only during 1938 and 1939. In 1940, the rates for all ranches will be as prescribed under subsections 1 a and 1 b above.
5. The goal provided for in this Section I A shall be established by the county committee and shall consist of conditions and specifications other than those listed in this bulletin, and in addition to limited grazing, which the county committee determines are necessary on the ranch either to support and complement the effective conservation use to be made of the range in connection with such range-building practices as are contained in this bulletin or to assist in connection with limited grazing in bringing about on the ranching unit such use of the forage resources as will more effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. The county committee's determination with respect to goals shall be based on conservative range management, forage and feed resources of the ranch, topographic and cultural features, utilization of forage by wildlife and the extent to which the resources of the ranch have been utilized in a conservative manner.

B. Within the limits of that part of the range-building allowance remaining after applying the provisions of subsection A above, and subject to the conditions hereinafter set forth, there will be paid for carrying out in 1938 on range land such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution.

Practices and conditions of payment	Rate of payment
RESEEDING OF RANGE LAND	
1. Artificial reseeding - - - - - For reseeding depleted range land with good seed of adapted varieties of range grasses, legumes, or forage shrubs.	\$0.20 per pound of seed sown, but not in excess of \$2.00 per acre.
EROSION AND RUNOFF CONTROL	
2. Contour listing, furrowing, or subsoiling- - - For listing, furrowing, or subsoiling range land on the contour.	\$0.50 per acre
3. Spreader dams and terraces:	

Practices and conditions of payment	Rate of payment
<p>For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land.</p>	
(a) Spreader dams - - - - -	\$0.15 per cubic yard of material moved.
(b) Spreader terraces - - - - -	\$0.40 per 100 linear feet.
<p>DEVELOPMENT OF STOCK WATER ON RANGE LAND</p>	
4. Earthen tanks or reservoirs - - - - -	\$0.15 per cubic yard of fill or excavation.
<p>For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock.</p>	
5. Wells:	
(a) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at ranching unit headquarters.	\$2.00 per linear foot.
(b) For drilling or digging wells with casing less than 4 inches but not less than 2 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. An artesian well will qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at ranching unit headquarters.	\$1.00 per linear foot.

Practices and conditions of payment	Rate of payment
6. Development of natural watering places For developing springs or seeps, protecting the source from trampling and conveying the water in a trough or in a pipe not less than one inch in diameter to a tank, for the purpose of providing water for range livestock.	\$0.40 per cubic foot for excavation in soil or gravel, and \$0.70 per cubic foot for excavation in rock.
FIRE GUARDS	
7. For the establishment of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if the fire guard is used in connection with controlled burning within the ranching unit.	\$0.05 per 100 linear feet.

SECTION II. RANGE-BUILDING ALLOWANCE

A. The range-building allowance shall be 3¢ per acre of range land in the ranching unit plus 75¢ times the grazing capacity of the range land: Provided, however, that the grazing capacity item shall not be calculated on more than one animal unit for each ten acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

B. In addition the range-building allowance shall include 35¢ times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit: Provided, however, that mountain meadow land for which this additional allowance is made shall not be considered in calculating the portion of the range-building allowance provided for in subsection A.

SECTION III. CONDITION OF PAYMENT

A. No payment for range-building practices carried out pursuant to subsection B of Section I will be made unless limited grazing has been carried out on the ranch during 1938 or the county committee shall have determined that the method of ranch management has been adjusted before December 31, 1938 in the manner required to successfully carry out limited grazing.

B. The total payment made with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment

will be made only if range-building practices are carried out according to specifications recommended by the county and State committees and approved by the Regional Director. Payments made for performance pursuant to the provisions of this bulletin shall not be subject to the provisions of Section V of Part I of WR-1938-Montana.

C. No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in Section I.

SECTION IV. CHANGES IN LEASING ARRANGEMENTS AND OTHER DEVICES

A. No payment will be made to any person who has for 1938 made any change from the 1937 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1937 leasing arrangements of such range land were in effect for 1938. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Meagher County, Montana, Range Conservation Program has made any change from the 1937 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1938 Meagher County, Montana, Range Conservation Program.

B. If on any ranching unit in 1938 any change of the leasing arrangements which existed on the ranching unit in 1937 is made between the landlord and the tenants and such change would cause a greater proportion of the payment to be made to the landlord under the 1938 Meagher County, Montana, Range Conservation Program than would have been made to the landlord for performances on the ranching unit under the 1937 Range Conservation Program, payment to the landlord under the 1938 Meagher County, Montana, Range Conservation Program with respect to the ranching unit shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the ranching unit in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

C. If on any ranching unit the number of tenants in 1938 is less than the average number on the ranching unit during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise

be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

SECTION V. ELIGIBILITY FOR PAYMENT

A. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

B. Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

C. Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Range Conservation Program nor under the provisions of the 1938 Meagher County, Montana, Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of his allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm unless such person establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938.

SECTION VI. PAYMENT RESTRICTED TO EFFECTUATION OF THE PURPOSES OF THE PROGRAM

All or any part of any payments which otherwise would be made to any person under the 1938 Meagher County, Montana, Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device,

or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the Regional Director finds is contrary to sound conservation practices. No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1938.

SECTION VII. PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section XI), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

SECTION VIII. INCREASE IN SMALL PAYMENTS

The total payment computed for any person with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of pay- ment computed		Increase in payment	Amount of pay- ment computed		Increase in payment
\$1.00 to	1.99	\$0.40	\$32.00 to	32.99	\$10.40
2.00 to	2.99	0.80	33.00 to	33.99	10.60
3.00 to	3.99	1.20	34.00 to	34.99	10.80
4.00 to	4.99	1.60	35.00 to	35.99	11.00
5.00 to	5.99	2.00	36.00 to	36.99	11.20
6.00 to	6.99	2.40	37.00 to	37.99	11.40
7.00 to	7.99	2.80	38.00 to	38.99	11.60
8.00 to	8.99	3.20	39.00 to	39.99	11.80
9.00 to	9.99	3.60	40.00 to	40.99	12.00
10.00 to	10.99	4.00	41.00 to	41.99	12.10
11.00 to	11.99	4.40	42.00 to	42.99	12.20
12.00 to	12.99	4.80	43.00 to	43.99	12.30
13.00 to	13.99	5.20	44.00 to	44.99	12.40
14.00 to	14.99	5.60	45.00 to	45.99	12.50
15.00 to	15.99	6.00	46.00 to	46.99	12.60
16.00 to	16.99	6.40	47.00 to	47.99	12.70
17.00 to	17.99	6.80	48.00 to	48.99	12.80
18.00 to	18.99	7.20	49.00 to	49.99	12.90
19.00 to	19.99	7.60	50.00 to	50.99	13.00
20.00 to	20.99	8.00	51.00 to	51.99	13.10
21.00 to	21.99	8.20	52.00 to	52.99	13.20
22.00 to	22.99	8.40	53.00 to	53.99	13.30
23.00 to	23.99	8.60	54.00 to	54.99	13.40
24.00 to	24.99	8.80	55.00 to	55.99	13.50
25.00 to	25.99	9.00	56.00 to	56.99	13.60
26.00 to	26.99	9.20	57.00 to	57.99	13.70
27.00 to	27.99	9.40	58.00 to	58.99	13.80
28.00 to	28.99	9.60	59.00 to	59.99	13.90
29.00 to	29.99	9.80	60.00 to	185.99	14.00
30.00 to	30.99	10.00	186.00 to	199.99	(1)
31.00 to	31.99	10.20	200.00 and over		(2)
		(1) Increase to \$200.00.			(2) No increase.

SECTION IX. DEDUCTIONS FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the Meagher County Agricultural Conservation Association.

SECTION X. ASSIGNMENTS

Any person who may be entitled to a payment in connection with this program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing upon Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the ranch operator files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any preexisting indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose. For the purposes of this Section the making of a crop shall be deemed to include the carrying out of range-building practices.

Nothing contained in this Section X shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled, nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

SECTION XI. ESTABLISHMENT OF GRAZING CAPACITIES

There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Regional Director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

SECTION XII. DETERMINATION OF COUNTY IN WHICH A RANCHING UNIT IS LOCATED

A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

SECTION XIII. APPEALS

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any ranching unit in which he has an interest may, within 15 days after notice thereof is for-

warded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

SECTION XIV. STATE AND REGIONAL BULLETINS, INSTRUCTIONS AND FORMS

The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Meagher County, Montana, Range Conservation Program.

SECTION XV. DEFINITIONS

For the purposes of the 1938 Meagher County, Montana, Range Conservation Program,

SECRETARY means the Secretary of Agriculture of the United States.

WESTERN REGION means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

REGIONAL DIRECTOR means the Director of the Western Division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program, the 1938 Range Conservation Program, and the 1938 Meagher County, Montana, Range Conservation Program, in the State of Montana.

STATE COMMITTEE means the group of persons designated for the State of Montana to assist in the administration of the 1938 Agricultural Conservation Program, the 1938 Range Conservation Program, and the 1938 Meagher County, Montana, Range Conservation Program, in the State of Montana.

COUNTY COMMITTEE means the group of persons elected for Meagher County to assist in the administration of the 1938 Agricultural Conservation Program and the 1938 Meagher County, Montana, Range Conservation Program.

PERSON means an individual, partnership, association, corporation, estate or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1938.

RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

RANCHING UNIT means all range land which is used in 1938 by the ranch operator as a single unit in producing range livestock, with machinery, work-stock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this program, tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

LIMITED GRAZING means the grazing of the forage of the ranching unit at such a rate during the year as to result in a sustained yield of grass or other grazing vegetation without injury to the forage, tree growth or watershed.

[SEAL]

Done at Washington, D.C. this 21st
day of June, 1938. Witness my hand
and the seal of the Department of
Agriculture.

W. A. Wallace
Secretary of Agriculture.